

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

RICHARD RAYMOND DIXON, §
2264625 §
v. § Civil Action Nos. 4:20cv814
§
DIRECTOR, TDCJ-CID §

ORDER OF DISMISSAL

The above-entitled and numbered civil action was referred to United States Magistrate Christine A. Nowak. The Report and Recommendation of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration. The Magistrate Judge recommended the petition for writ of habeas corpus be dismissed with prejudice as time-barred. Petitioner filed objections. (Dkt. # 18).

Petitioner makes the same arguments in his objections that he made in his petition: (1) that he was not admonished as to the correct range of punishment; and (2) his written admonishments were incorrect because they did not advise that, due to the drug-free zone, his minimum sentence would be seven years. However, the record belies Petitioner's arguments. As the Magistrate Judge correctly noted, Petitioner was charged by indictment with the offense of possession of a controlled substance, methamphetamine, in an amount more than one gram but less than four grams, in a drug free zone in cause No. 25255. (Dkt. # 10-15, p. 5). It was enhanced by a previous conviction for conspiracy to manufacture, distribute, or possess with intent to distribute or dispense methamphetamine. Petitioner pled guilty. On May 9, 2014, the trial court accepted the plea, found Petitioner guilty, and placed him on probation for ten years. (Dkt. # 10-15, pp. 18-19). The record also reflects that Petitioner was advised of the correct punishment range at his court hearing, and that

the offense contained a drug-free zone offense finding. (Dkt. # 10-13, p. 6). Therefore, Petitioner's objections lack merit.

In all of his objections, Petitioner provides no information to refute the Magistrate Judge's finding that Petitioner filed his federal habeas petition five years, four months, and twelve days beyond the AEDPA limitations deadline. None of Petitioner's objections contradict the Magistrate Judge's finding that Petitioner filed an untimely habeas petition.

After reviewing the Report and Recommendation and conducting a *de novo* review of Petitioner's objections, the Court concludes the findings and conclusions of the Magistrate Judge are correct, and adopts the same as the findings and conclusions of the Court.

Accordingly, it is **ORDERED** the petition for writ of habeas corpus is **DENIED**, and the case is **DISMISSED** with prejudice. A Certificate of appealability is **DENIED**. It is further **ORDERED** all motions by either party not previously ruled on are hereby **DENIED**.

SIGNED this 30th day of April, 2021.



AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE